

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:00-CR-00131-GCM**

UNITED STATES OF AMERICA,

v.

LANTIS JETON YOUNG,

Defendant.

ORDER

THIS MATTER comes before the Court on various pro se motions filed by Defendant Lantis Jeton Young. (ECF Nos. 269-271, 274-275).

Defendant Lantis Jeton Young shot and killed another drug dealer during a robbery, and carjacked another individual. (ECF No. 265 at 1). He was convicted of six drug-trafficking offenses and sentenced to life plus 480 months in prison. (*Id.* at 1-2). In June 2020, Defendant filed a pro se Motion for Sentence Reduction Under the First Step Act. (ECF No. 242). The Court denied Defendant’s motion for a reduced sentence and his subsequent motion for reconsideration. (ECF Nos. 254, 265). Defendant appealed. The Fourth Circuit affirmed in part and remanded in part for further proceedings. (Doc. No. 272). Specifically, the Fourth Circuit stated that the Court “did not explicitly consider Young’s postsentencing conduct and other arguments in mitigation for a reduced sentence,” and “vacate[d] the portions of the [Court’s] orders denying [Defendant’s] motion for a sentence reduction under section 404 of the FSA 2018 and remand[ed] for further consideration in light of *Concepcion*.” (*Id.* at 3-4). The mandate issued on February 13, 2023. (ECF No. 273).

While on appeal, Defendant filed three pro se motions: (1) “Motion for Order to Show Cause to the Government Why the Section 404 Proceedings Should Not Be Recognized” (ECF

No. 269); (2) “Motion for an Indicative Ruling Pursuant to F.R.A.P 12” (ECF No. 270); and (3) “Motion to Reopen the Proceeding for Consideration of a Reduction of Sentence Pursuant to Section §404 of The First Step Act, In Light of the Supreme Court Decision in *Concepcion v. United States*, 142 S. Ct. 2389 (2022)” (ECF No. 271). In light of the Fourth Circuit’s judgment, these motions are denied as moot. After the mandate issued, Defendant filed two additional pro se motions requesting leave to file supplemental briefing in support of his First Step Act motion. (ECF Nos. 274-275). The Court will grant these motions in part, as explained below.

There is no constitutional right to the appointment of counsel in post-conviction criminal motions such as this one. *See Pennsylvania v. Finley*, 481 U.S. 551, 555 (1987). However, courts have discretion to appoint counsel in certain instances. Expressing no view on Defendant’s motion for reduction of sentence under the First Step Act, in light of the recent remand from the Fourth Circuit, the Court concludes appointment of counsel is appropriate. Accordingly, consistent with this District’s Standing Order regarding appointment of counsel for motions for a sentence reduction pursuant to the First Step Act, the Court appoints the Federal Defenders of the Western District of North Carolina to represent Defendant on his First Step Act motion, or to assign the case to a member of the Criminal Justice Act (CJA) panel as necessary. *See* Case No. 3:21-mc-228.

The appointed attorney from the Federal Defenders of the Western District of North Carolina or CJA panel shall confirm representation of Defendant by filing a notice of appearance within fourteen (14) days of this Order. Within fourteen (14) days after filing a notice of appearance, Defendant, through counsel, shall file a supplemental brief on Defendant’s First Step Act motion. The United States is instructed to file a response within fourteen (14) days thereafter.

IT IS THEREFORE ORDERED that:

1. Defendant's pro se "Motion for Order to Show Cause to the Government Why the Section 404 Proceedings Should Not Be Recognized" (ECF No. 269); "Motion for an Indicative Ruling Pursuant to F.R.A.P 12" (ECF No. 270); and "Motion to Reopen the Proceeding for Consideration of a Reduction of Sentence Pursuant to Section §404 of The First Step Act, In Light of the Supreme Court Decision in *Concepcion v. United States*, 142 S. Ct. 2389 (2022)" (ECF No. 271) are **DENIED AS MOOT**; and
2. Defendant's pro se pro se motions for leave to file supplement briefing (ECF Nos. 274, 275) are **GRANTED IN PART**.

The Clerk of Court is directed to send a copy of this Order to the Federal Defenders of the Western District of North Carolina, the United States Attorneys' Office of the Western District of North Carolina, and Defendant Lantis Jeton Young.

SO ORDERED.

Signed: March 20, 2023



Graham C. Mullen
United States District Judge

